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#37

April 15, 2002

**BOX CPA**

Commissioner for Patents  
Washington, D.C. 20231

Re: Application of Munehisa FUJITA and Atsushi MATSUNAGA, DIRECT  
POSITIVE PHOTOGRAPHIC SILVER HALIDE EMULSION AND COLOR  
PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL COMPRISING SAME  
Assignee: **FUJI PHOTO FILM CO., LTD.**  
Our Ref: Q386121

Dear Sir:

This is a request for filing a Continuation Application under 37 C.F.R. § 1.53(d) (continued prosecution application (CPA)) of pending prior Application No. 08/915,683 filed on August 21, 1997, which is a file wrapper continuation of Application No. 08/474,715 filed June 7, 1995, of Munehisa FUJITA and Atsushi MATSUNAGA, entitled DIRECT POSITIVE PHOTOGRAPHIC SILVER HALIDE EMULSION AND COLOR PHOTOGRAPHIC LIGHT-SENSITIVE MATERIAL COMPRISING SAME.

This application is being filed under 37 CFR § 1.53(d). The prior application, in which no payment of the issue fee, abandonment, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. It is understood that secrecy under 35 USC § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file jacket, be it either this application or a prior application in the same file jacket, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file jacket.

The prior application is assigned to Group Art Unit 1752

A Preliminary Amendment is being submitted herewith.

The power of attorney appears in grandparent Application No. 08/474,715.

Priority is claimed from:

<u>Country</u>	<u>Application No</u>	<u>Filing Date</u>
Japan	Hei. 6-150616	June 9, 1994
Japan	Hei. 6-150620	June 9, 1994

The priority documents were filed in parent Application No. 08/915,683.

SEALS



The Government filing fee, after entry of the Preliminary Amendment, is calculated as follows:

Total claims	<u>5</u> - 20	=	<u>          </u>	x	\$18.00	=	<u>          </u>	\$0.00
Independent claims	<u>2</u> - 3	=	<u>          </u>	x	\$84.00	=	<u>          </u>	\$0.00
Base Fee								\$740.00

**TOTAL FILING FEE** **\$740.00**

A check for the statutory fee of \$740.00 is attached. You are also directed and authorized to charge or credit any difference or overpayment to Deposit Account No. 19-4880. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 and any petitions for extension of time under 37 C.F.R. § 1.136 which may be required during the entire pendency of the application to Deposit Account No. 19-4880. A duplicate copy of this transmittal letter is attached.

The CPA is filed within two months of the Board Decision dated February 21, 2002 and is therefore timely filed.

Respectfully submitted,

SUGHRUE MION, PLLC

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**Abraham J. Rosner**  
Registration No. 33,276